

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 29, 1948
10:50 A.M.

Council Chamber, City Hall

The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director
of Public Works; Trueman E. O'Quinn, City Attorney;

The reading of the Minutes was dispensed with.

A committee composed of Judge George S. Matthews, County Commissioners Sam Allred and Warren Freund, and County Engineer Ian Morgan, came before the Council and submitted a map showing the proposed location for the low-water bridge below the Tom Miller Dam, to-wit, starting at the Lake Austin Boulevard, crossing the Colorado River about five hundred feet below the Dam, thence across Buzzard Hollow to the Yacht Club Road; and an estimate by the County Engineer of the cost of construction of said bridge of \$160,000.00.

Following considerable discussion, Councilman Glass moved that the City Council approve the above location and direct the City Manager and the Director of Public Works to proceed with securing the right-of-way from the Board of Regents of the University of Texas and calling of bids, reserving the right jointly with the County to reject any or all bids; express appreciation to the Commissioners Court for the plans prepared by the County Engineer, and authorize the City Manager and the Director of Public Works to approve said plans and to prosecute the work with due diligence and by the most expeditious and feasible method. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Pursuant to published notice, the public hearing on the application of C. B. Smith, by Hardy Hollers, Attorney, to amend the Zoning Ordinance

in the following particular:

To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "D" Industrial District, to-wit:

Lot 3, Block 1, Outlots 15 and 16, Division "0",
consisting of 2.24 acres of land located on
East 5th Street, south side, and west of Springdale
Road, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested citizen appearing to protest the proposed change, Councilman Glass moved that the hearing be closed, the action of the Board of Adjustment be sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance accordingly. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The public hearing on the application of Miss Nellie Lea Brown, by Paul Jones, Agent, for change in zoning, from "A" Residence District to "B-1" Residence District, of Lots 3 and 4, Block 16, Moore & Sparks Resub-division, was postponed to the next regular meeting on account of the illness of proponent.

The public hearing on the application of J. R. Glasscock, by Ted Wendlandt, Agent, to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B-1" Residence District, to-wit:

East 119 feet of Lot 4, Block 4, Westfield "B",
in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested citizen appearing to protest the proposed change, Councilman Johnson moved that the hearing be closed and the action of the Board of Adjustment be not sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance making the change effective. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The public hearing on the application of William A. Trenckmann, Attorney for property owners, to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

Block No. 2, Glenwood Addition, located at the corner of East 19th Street and Cedar Avenue, in the City of Austin, Texas,

was duly opened.

No property owner or other interested citizen appearing to protest the proposed change, Councilman Thornberry moved that action on the matter be postponed to the next regular meeting for an inspection of the property by the City Council, and to enable the proponent to confer with the Zoning Board and the City Attorney relative to a sufficient setback on East 19th Street for the future widening of said street. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Pursuant to published notice, the public hearing on the application of Travis Hughes, by E. L. Bauknight, Attorney, to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

West 20 feet of Lots 38 to 43, and south One-half of Lot 37, Block B, Murray Place, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested citizen appearing to protest the proposed change, Councilman Glass moved that the hearing be closed, and the action of the Board of Adjustment be not sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance making the change effective. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Pursuant to published notice, the public hearing on the application of Edward Wendlandt to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "C" Commercial District, to-wit:

Lot 1, Block 2, Outlot 76, Division "D", Buddington Subdivision, being located west of Guadalupe Street between Maiden Lane and West 37th Street, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested citizen appearing to protest the proposed change, Councilman Thornberry moved that the action of the Board of Adjustment be not sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance making the change effective. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and Councilman Thornberry

Noes : None

Pursuant to published notice, the public hearing on the applications of Ben Lockhart, by Paul Jones, Agent; the Steck Estate, by R. G. Mueller; Miss Lydia Littman; and Fred E. Goodridge to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B-1" Residence District, to-wit:

Blocks 17 and 18 of Grooms Addition, located on the north and south sides of East 33rd Street between Grooms Street and Tom Green Street, in the City of Austin, Travis County, Texas.

was duly opened.

The following appeared and spoke in favor of the change, substantially as follows:

Harold Legge declared that his client wishes to build a 4-unit cut-stone apartment house that will be an asset to the community, whereas, under the present zoning, cheaper houses could be constructed that would deteriorate the value of surrounding property.

R. G. Mueller, representing the Steck Estate, declared that it was difficult to sell this property for residences, but that it was suitable for apartments as there were garage apartments all around it.

The following appeared and spoke in opposition to the change, substantially as follows:

Wm. F. Hutson, 302 East 32nd Street, declared that when he bought property there from E. L. Steck in 1941, he was assured that it was "A" Residence District and would not likely be changed; that it is strictly residential property and he did not want to see a change made.

Virgil E. Barnes, 207 East 33rd Street, declared that he was not violently opposed to the change to "B-1", but would be opposed to a "B" zoning, and that he preferred to retain the "A" Residence zoning. He further stated that he also represented Mr. and Mrs. Boyd E. Brown, 300 East 32nd Street, who were opposed to any change.

John W. Young, 308 East 32nd Street, declared that he bought property there because of the restricted zone, and that he was opposed to the change as there is no assurance that proponents would carry out their contract.

Mrs. John A. McCrary, 208 East 33rd Street, declared that they would object to a "B" Residence zone.

Mrs. S. G. Holden, 304 East 32nd Street, declared that she objected to the change in zoning because it would deteriorate the value of their home.

Mrs. Virgil E. Barnes, 207 East 33rd Street, declared that they wanted to keep their home and rear their children there, and that the change would create an extra traffic hazard to the school children because of the boarding houses and apartment houses that would be built.

Mrs. Louise Pritchett, 400 East 32nd Street, declared that they had invested all they had in their home there, having lived there for more than twenty years, and that they were opposed to the change in zoning; that homes should be protected and the only protection home-owners have is in deed restrictions and what the City grants in zoning; and that when the City re-values property to raise funds and decreases the value of that property by change in zoning, the property owner suffers.

After hearing all property owners or other interested persons for or against the change, and after consideration of the matter by the City Council, it was moved by Councilman Glass, seconded by Councilman Thornberry, that the recommendations of the Board of Adjustment be sustained and the change be granted; and the City Attorney be instructed to prepare the ordinance making the change effective, for passage at the next regular meeting. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of WILLIE SCOTT, COLORED, 2010 East 8th Street, for a license to operate as a taxicab a 1942 Model Chevrolet, Fleetline, Engine No. BA-372887, State License No. JB-2101, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of OSCAR IRA LEACH, 3202 Bailey Lane, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1942 Model, Engine No. BA-360461, State License No. JC-1730, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of MANUEL TAYLOR, COLORED, 1710 Sabine Street, for a license to operate a 4-door Pontiac Sedan, 1940 Model, Motor No. 6-686701, State License No. JC-4143, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of HAROLD WILLIAM GODSON, 504 West 43rd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of MARVIN EARL HOWE, 805 West 29th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of HAROLD JIM ARNOLD, 1507 North Congress Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JOE HOWARD TEAGUE, 1909 Haskell Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JAMES WESLEY DIXON, COLORED, 2420 Hidalgo Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JOHNNIE BROCKERS, JR., COLORED, 2000 East 16th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of JOHN WILLIE WILLIAMS, COLORED, 1702½ New York Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of VERDEE FRANKLIN, Colored, 2304 East 12th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

An appeal by THOMAS ALTON TAYLOR, Route #2, Box 80, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the facts in the case, Councilman Thornberry moved that applicant be granted a 90-days probationary permit to drive a taxicab. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The application of R. G. Mueller, Jr., 3214 Kerbey Lane, for a license to operate a private boat, described as follows: 1936 Model Cris Craft, 6-passenger, duly approved by the Navigation Board, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located on the northwest corner of Airport Boulevard and Bruning Avenue, which property fronts 200 feet on Airport Boulevard and 183.4 feet on Bruning Avenue and being further known as a portion of Lot 1 of the Mrs. Lou H. Hill Subdivision, a subdivision of a portion of the James P. Wallace League in the City of Austin, Travis County, Texas, and hereby authorizes the said Humble Oil and Refining Company, acting by and through Michael T. Young, to construct, maintain and operate a drive-in filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable, and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained, if after hearing, it is found by the City Council that the said Humble Oil and Refining Company, acting by and through Michael T. Young, have failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

Austin, Texas
January 29, 1948

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Humble Oil and Refining Company, acting by and through Michael T. Young, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located at the northwest corner of Airport Boulevard and Bruning Avenue, which property fronts 200 feet on Airport Boulevard and 183.4 feet on Bruning Avenue, and being further known as a portion of Lot 1 of the Mrs. Lou H. Hill Subdivision, a subdivision of a portion of the James P. Wallace League in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is under option to the Humble Oil and Refining Company, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the Zoning Maps of the City of Austin.

There are no storm water drainage facilities in place adjacent to this property. The storm water and surface drainage from this filling station will have to be conveyed to a seep well to be constructed on the property of the applicant.

We recommend that the Humble Oil and Refining Company, acting by and through Michael T. Young, be granted permission to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

(3) That the gasoline tanks and pumps shall be an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils

upon the city streets.

(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap into a seep well located upon the property of the applicant.

(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalk and curbs shall be constructed of concrete at the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2-H-890.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-890, and shall be of the pre-moulded type,

(7) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Councilman Bartholomew introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED : "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS, AND BY AMENDING SECTION 23(d) OF ARTICLE IV RELATING TO LOADING ZONE LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Bartholomew moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the second time and Councilman Bartholomew moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

The ordinance was read the third time and Councilman Bartholomew moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Johnson, Mayor Miller, and
Councilman Thornberry

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

A resolution appropriating \$3000.00 out of the General Fund as the City's pro rata of expense of bringing the Freedom Train to Austin was introduced by Councilman Johnson and ordered laid on the table for one week before final adoption thereof.

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: _____

Tom Miller

MAYOR

Attest:

Shelia McKeen

CITY CLERK